

Docket No.: AMB-131-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applic. No. : 10/770,617 Confirmation No.: 2301
Inventor : Wolfgang Eis, et al.
Filed : February 2, 2004
Title : Device and Method for Producing Glass Fibers
TC/A.U. : 1731
Examiner : John M. Hoffmann
Customer No. : 24131

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

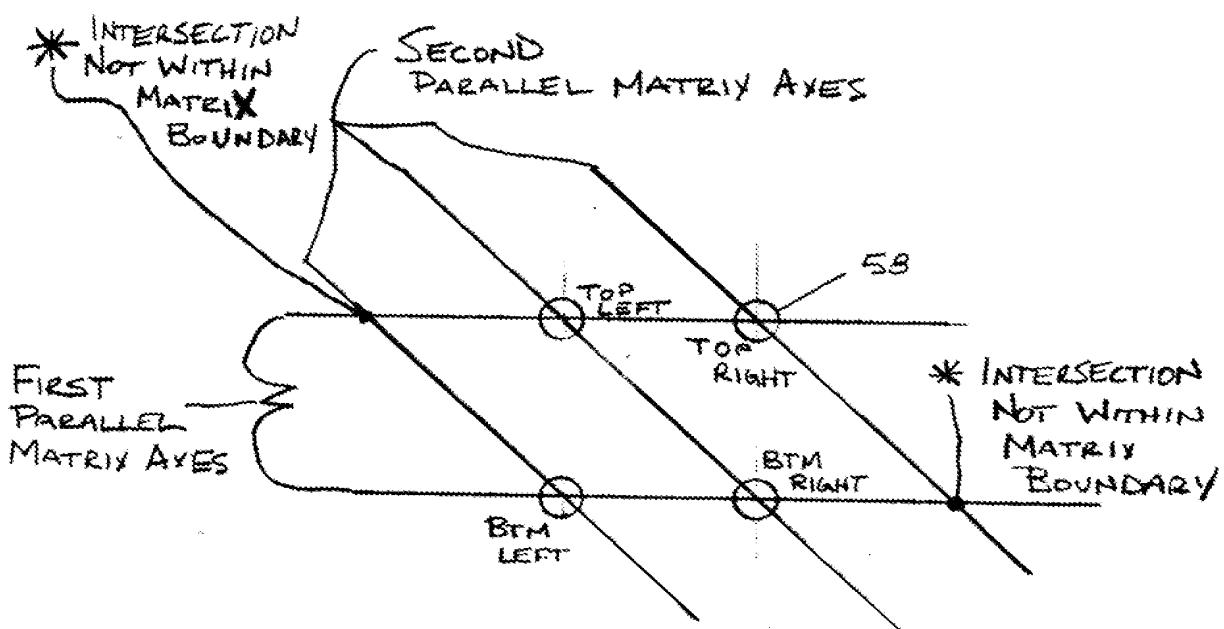
Sir:

It is respectfully noted that in the Decision on Appeal dated July 31, 2008 the honorable Board erred.

It is specifically pointed out that the honorable Board has erred with respect to the fact that proposed orientation of the matrix axes does not account for all of the limitations of the matrix configuration as recited in the claims of the instant application.

On pages 7-8 of the Decision on Appeal, the honorable Board alleges that "two rows of heating bushes form the mutually parallel first matrix axes: (1) one running from the top left heating bore 58 (orifice) to the top right heating bore 58 (orifice) and (2) the other running from the bottom left heating bore 58 (orifice) to the bottom right heating bore 58 (orifice). Three diagonal rows of heating bushes form the mutually parallel second matrix axes: (1) one running diagonally from the top left heating bore 58 (orifice) to the bottom right heating bore 58 (orifice); (2) one running diagonally through the top right heating bore 58 (orifice); and(3) one running diagonally through the bottom left heating bore 58 (orifice)."

Below is a sketch illustrating the Board's position with respect to the Gouron nec reference.



As seen in the above-provided sketch, the honorable Board's position does not account for the limitation of "each of said first matrix axes intersecting each of said second matrix axes within a boundary of said matrix configuration". This is because intersections of the second and third mutually parallel second matrix axes (through the top right heating bore and the lower left heating bore) fall outside of the boundary of the matrix when intersecting the mutually parallel first axes opposite the respective heating bore. Therefore, it is respectfully noted that the position of the honorable Board does not account for the limitation of "each of said first matrix axes intersecting each of said second matrix axes within a boundary of said matrix configuration". Accordingly, as seen from the above-given remarks, it is respectfully noted that the honorable Board has erred.

Furthermore, none of the other cited references make up for the explicit deficiency of Gouronnec.

Moreover, it is specifically the above-noted limitation that defines over an arbitrary placement of axes in the configurations of heating bores as disclosed in the cited references. The limitation precisely defines over such arbitrary placement of axes and explicitly defines the matrix configuration of the instant application.

Furthermore, the above-noted limitation provides for the configuration as shown in Fig. 2 of the instant application. None of the references show a matrix as provided in Fig. 2.

It is precisely the matrix configuration as recited in claim 1 of the instant application that provides the benefits that the bushes are disposed next to one another in a

tight spatial configuration. Therefore, undesired cold air streams in the vicinity of the hot glass fibers are avoided. Accordingly, correspondingly constructed cooling ways, guiding or steering the air, achieve a predetermined cooling course for the glass fibers after exiting the heating bush. This results in a substantial improvement of the quality of the glass fibers and the resulting fiber bunch.

On page 8 of the Decision on Appeal the honorable Board stated that “even if we were to determine that Gouronnec alone would not have suggested arranging such heating bores 58 positioned in the claimed manner, which we do not the outcome of this case would not be altered.”

It is respectfully believed that because the honorable Board did not consider all of the limitations of the matrix configuration, as recited in claim 1 of the instant application, the above-noted statement is not reasonable.

Particularly, the above-noted statement is not reasonable because as seen from the above-given remarks, the honorable Board has not considered all of the limitations defining the matrix configuration. Specifically, as seen above, the honorable Board has not accounted for the limitation that “each of said first matrix axes intersecting each of said second matrix axes within a boundary of said matrix configuration”, as recited in claim 1 of the instant application. However, the requirement for a *prima facie* case of obviousness, is that the prior art references must teach or suggest all the claim limitations. The requirement that references must teach or suggest all the claim limitations is not met by the Board’s interpretation of the cited references. Therefore, because the honorable Board has

not considered **all of the limitations of the matrix configuration** as claimed, it is respectfully noted that the honorable Board's statement pertaining to the outcome of the case, is not reasonable.

Based on the above-given remarks, the honorable Board is respectfully requested to reconsider the decision dated June 31, 2008 and urged to reverse the final rejection of the Primary Examiner.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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AKD/bb

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